

Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

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THE GATT AND HER KITTENS: MODELS FOR CANADA-U.S. TRADE

by Joseph Kary

With barely a pause for breath, Bill Graham, speaking at the Law Faculty recently, outlined some of the crucial issues that Canada would have to face in negotiating a free-trade agreement with the U.S. A U. of T. professor with 15 years experience in the private practice of international law (he also teaches E.E.C. law at McGill), Graham drew from his experience with the GATT agreement, arguing that, unless an agreement with the U.S. contained measures to prevent the problems that have arisen under the GATT, "free trade" would do more harm than good to the Canadian economy.

The GATT--or, as it is rarely referred to, the General Agreement on Tariffs and Trade--is an international agreement negotiated in the years immediately following World War II. Its purpose was the reduction and eventual elimination of tariff barriers between the signatories. As Graham points out, if it had worked, we would already have free trade with the U.S. Although the GATT was nominally successful -- average tariffs have dropped from around 50% to 15% -- it has not worked in practice. Quotas, government subsidies and procurement policies, countervailing duties, anti-dumping duties, even health standards, can

all be used as "non-tariff barriers" (in economic jargon, NTB's) to foreign goods. In addition, so-called "voluntary" agreements are regularly negotiated between countries--as (to pick a Canadian example) when the processing of Korean cars through Canadian customs met with inexplicable slowdowns until Korea agreed to build a plant here. The U.S. recently signed a free-trade agreement with Israel, but, to Israel's chagrin, insisted on keeping in place its NTB's. At the same time, the U.S. argues that the more extensive network of social services offered by foreign governments are

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BIOMEDICAL ETHICS AND THE LAW

by Brigitte Catellier

Last Wednesday, Forum National presented a conference on "Biomedical Ethics and the Law in the Clinical Setting". The conference focused on situations involving life and death decisions in the clinical setting. The five panelists, who represented the different professions involved in these situations, explained their position in the decision-making process.

Dr. Dawson Shultz, a clinical ethicist at the

Montreal Children's Hospital, began by stating that the process of decision-making is a process of understanding. His role is to act as an interpreter in facilitating the process of understanding, the final step of which is clinical judgement. He attempts to offer assistance in articulating the different perspectives of the various moral agents (doctors, nurses, patients, their family, etc.). Today, the patient's rights, powers and ability of decision-making have been lost in many respects. Dr. Shultz

helps to recover the lost patient's agency. Finally, he added that the primary problem in the field of ethics is determining the moral issue because the appropriate course of action is often implied in the identity of the moral problem.

According to Dr. Bernard Leduc, an obstetrician at Notre-Dame Hospital, situations involving difficult ethical issues are rare. Dr. Leduc discussed "shared decision-making" whereby

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ANNOUNCEMENTS

Lawyers for Social Responsibility

Coming Attractions:

LSR/AFCS Theme for winter term: The Environment. Planning meeting Thursday November 7 (Tomorrow!), at 4:00 p.m. in Room 203.

FACULTY LECTURE: "Lawyers and the Search for Alternatives to Nuclear Deterrence". Burns H. Weston, Bessie Dutton-Murray, Professor of Law, U. of Iowa: Distinguished international and human rights lawyer, Director of the (U.S.) Lawyer's Committee on Nuclear Policy and Lawyer's Alliance for Nuclear Control.

Friday Nov 8th, 11 a.m., Moot Court.

Co-sponsored by the International Law Society and Visiting Speakers Program.

CONFERENCE: "Hope in the Nuclear Age/L'espoire à l'ère nucléaire. Co-sponsored with Physicians for

The Moot Court Board cordially invites everyone to attend this year's Bar Prize Moot Competition which will take place on Saturday, November 9, 1985 at 2:00 p.m. in the Moot Court. Come show your support for Frank Calandriello, BCL III, Rodney Garson, LLB II, Bruce Robertson, LLB III, and J.P. Sheppard, LLB IV, as they plead in front of a very prestigious Bench composed of Mr. Justice Julien Chouinard, of the Supreme Court of Canada, Mr. Justice James K. Hugessen of the Federal Court of Appeal, and Mr. Justice Melvin L. Rothman of the Quebec Court of Appeal.

We look forward to seeing you there!



Social Responsibility, 1985 Nobel Peace Prize winners. Stephen Lewis, Linus Pauling, Burns H. Weston, Ivan Vasic, Irwin Cotler and many others.

Nov 8 - 10th, MacIntyre Med. Bldg. Info: 735-1388 or register at the conference. Bonus: Mozart Requiem with "Bread and Puppet Theatre of Vermont" and orchestra of Conservatoire de musique de Montréal. Cost (students) \$35.00, \$25.00 one day (including lunch).

WIND-DOWN POT-LUCK: Members and friends, Friday November 15th. Collar an executive member for details; we'll be phoning all members.

All students who have not picked up their exam numbers at SAO must do so immediately.

Notice

Would any student who would be interested in taking the course Wills and Estates (LLB, 2 credits) in the Spring Term of this coming year, i.e. January to April, 1986, please leave your name on the list at S.A.O.

If a sufficient number of students express an interest, an attempt will be made to offer this course at a convenient time.

Roderick A. Macdonald
Dean

Squash Enthusiasts!

All those who signed up to play in the faculty squash tournament will be pleased to learn that we've got a full drawsheet! The information you need regarding to your matches is posted on the sports board. It's your responsibility to contact your opponent and set up a convenient time to play. Games are to 15, win by 2 points. First, second, and third rounds should play "Pro Sets" (i.e. first to 8 games with tie-breaker at 7-7). The semi-finals and finals will be "2 out of 3" sets. We'll also try to have these matches refereed. All matches can be played at the Currie Gym Courts (392-4643 for reservations). Let's try to play all matches within a "reasonable delay". All unplayed matches which hold up the tournament will be judicially decided by a court of one. (I'll toss a coin)! Good luck to all! For questions, problems, etc., contact Ali Argun (739-5107).

Talmud Class

Date: Tomorrow (Thursday, November 7) and every second week thereafter.

Time: 1 p.m.

Place: Room 204

Topics will be of general interest to law students, and will include subjects in tort, contract, property and family law. Classes will be led by Rabbi J. Shmidman. All texts will be studied in their English translation. For more information, contact Greg Bordan.

Everyone is welcome

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LETTERS TO THE EDITOR

To the Editor,

It was with great interest and even more dismay that we read the misleading and misinformed editorial in the 23 October issue of the Quid. At first we questioned whether we should even respond to such a hysterical reaction, but we realized that since the Quid contained no objective report of the budgetary process, it was up to us, as elected members of the LSA Executive, to portray the "other side".

We would like to begin by refuting the "conservative" label which was thrown around so loosely. In a total budget of \$13,225, LSA Council allocated \$5,024 to clubs. This is to be compared with last year's allocation of \$4,993 in a total budget of \$13,070. The question then is not one of the amount of funds in toto dispersed to clubs by LSA (although the editorial would lead one to believe differently). Rather, it is a question of how large a portion of that pie each club would receive. We don't think it takes a genius to realize that the people who signed the so-called editorial represented groups which for the first time received a smaller piece than that to which they had, in the past, become accustomed.

It was felt amongst the six members of the LSA Executive that groups should be treated equitably. Objective criteria should be applied across the board. Too often in the past, certain privileged groups could walk into the budget meeting, plunk down their estimate, and get it rubber-stamped on the spot. In contrast, other groups had to fight and scratch for every penny they re-

ceived. This, we felt (and we believe that it was a sentiment expressed by all Executive members) was totally unacceptable.

The criteria the Executive applied reflect the budgetary guidelines established by LSA Council in the past. These are as follows:

1. Initiative in raising funds and the ability to raise funds.
2. Constituency/Participation
3. Contribution to:
 - academic life
 - social life
 - community life at large
4. Particular expenses
5. Historic factors

Besides these general criteria, we made some specific policy decisions. For example, funding attendance at conferences had been somewhat of a dilemma in the past. How do we justify sending X number of people to Ottawa for a conference on international law, Y number of people to Vancouver for a Women and the Law conference and Z number of people to Toronto for the LSR convention? The Executive decided this year that if we felt a given conference was worthwhile, we would fund one person's expenses. This was done under the expectation that the person could then return to report the experience to the club and/or student body. If the club wanted to send more than one person, it was up to the club to decide whether or not to split the funds. This, we felt, was an equitable way to treat all clubs interested in sending a member to a conference.

Another example, in the same vein, was the allocation of a certain amount of money per activity. Films

would receive a certain amount, speakers a certain amount, and so on. Of course, this was by necessity flexible. Taken into account was the *raison d'être* of the group. Forum National necessarily received more funds for speakers than, say, LSR which, in addition to speakers, has film events, coffee houses, and the like.

A final example (we could go on, but we don't think it would be fair to monopolize valuable Quid space) is our policy with respect to fundraising. No longer would certain groups be exempt from the fundraising requirement. For example, why should Women and the Law be required to hold bake sales and other fund-raising events while Forum National are given their funds on a golden platter? This was the past practice. In creating classes of clubs, the practice was blatantly unfair. If, in pursuing such a policy we lack "the sensitivity and astuteness to recognize the "apple and pears" nature of different organizations," then so be it. LSA must employ the same ground rules for all clubs. This is not only desirable, it is imperative.

Having stated this general position, we would like to discuss briefly the reasons why a few of these clubs came out "losers".

1) Forum National: Originally, the Executive had budgeted \$750 to this worthwhile group. This was primarily to finance a speaker programme as well as an annual conference. This amount was reduced from the \$850 granted last

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EDITORIAL

by Debbie Raicek

In view of this week's "letter to the editor" written by the L.S.A. President and Vice-President, I find it necessary to respond to what I perceive as a scathing unfocused attack on the editorial "Et Tu Bruté?" (Quid Novi October 23, 1985). This editorial was written by seven students (including myself) involved in various clubs and organizations in the Law School.

In reference to the Quid Novi Ms. Karpel and Mr. Smith omitted to mention the following facts. The so-called "trust fund" of the Quid is not comprised of \$3000 of student funds. The \$3000 in this account are the proceeds of the fundraisers that the Quid holds annually in February. These fundraisers are held with the specific purpose of augmenting this fund so that the Quid can one day achieve independence. It also comes in handy when, for example this year, the L.S.A. was a couple of months late paying the Quid's income due from the student activity fee. If we hadn't had the "trust fund" there would have been no Quid for September and October. As well, the Quid has capital outlay expenses along with its operational expenses. This is a factor the L.S.A. executive seems to have conveniently forgotten in their frenzied application of "objective criteria".

While all of the above points are disturbing, what I found to be truly disheartening was Ms. Karpel and Mr. Smith's tone in responding to the editorial. The concerns of leaders and participants of various vital and thriving groups in this Law School were reflected in the editorial. It is most disappointing that our President and Vice-President feel they have to attack valid student criticisms as a "hysterical reaction". I find it both sad and depressing that this is the tone of the reply of our elected representatives to concerned students. At the end of their letter Ms. Karpel and Mr. Smith "encourage all those with legitimate budgetary concerns to feel free to contact any LSA representative". If this is the response concerned students receive -- Why bother?

**En réponse à l'article:
Que voulez-vous?**

ET SI ON CHOISISSAIT...

par Diane Brais
Rédactrice française

Certes, le sujet était intéressant et d'actualité. Il demeure qu'il est le plus souvent difficile d'intéresser toute une communauté dont les intérêts sont diversifiés. Sans ajouter qu'en dépit de son intérêt, le sujet demeure spécialisé.

Faut-il alors blâmer ceux qui ont plutôt choisi

d'assister aux cours qu'ils ont -- pour plusieurs -- choisi en fonction de leurs intérêts personnels.

C'est une question de choix et d'intérêt. Les professeurs et étudiants qui n'ont pas assisté ont fait ce choix en fonction de leurs intérêts pour autre chose.

Il peut cependant être permis de penser que si pareille conférence était raccourcie, peut-être à une demi-journée, plus de gens seraient tentés de faire un autre choix, pour quelques heures...

WOMEN'S HEALTH IN THE THIRD WORLD

by Teresa Scassa
LLB II

Health, or lack thereof, in North America is for a large part a matter of choice. We can choose to eat well, control stress, quit smoking and exercise regularly -- or we can run the risks of ulcers, cancer, obesity or heart failure. Diseases such as AIDS are so very frightening to our population because we are not accustomed to losing control over what does or does not kill us.

Yet, as the twenty-odd students who attended the October 23rd "Women and the Law" event entitled "Les femmes et leur santé" were reminded, issues of health in the Third World take on a far more basic nature.

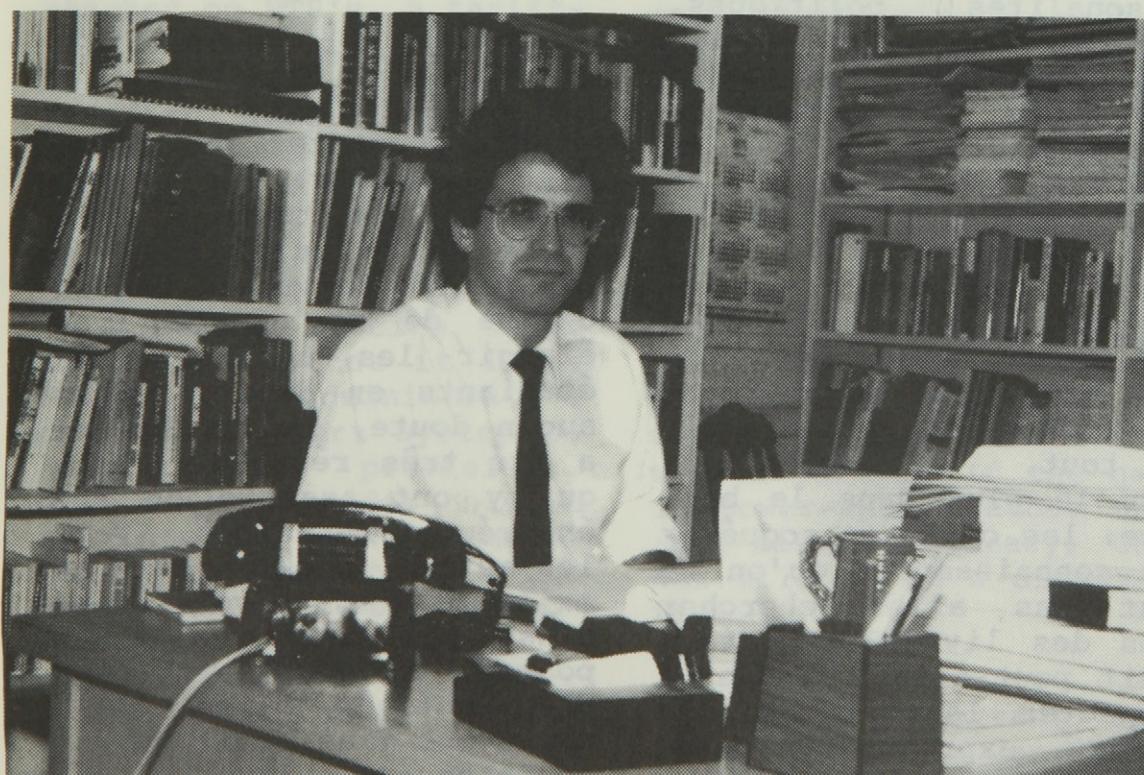
The slide show presented

by Francine Mayer of the YWCA of Montreal provided an overview of some of the health issues facing women in developing nations. As water-bearers and laundresses, these women are constantly exposed to deadly water-borne diseases such as hepatitis, polio, and some forms of malaria. Poverty, and, in some cases, culturally imposed ignorance about basic hygiene take their toll. The irresponsible behaviour of multinational food and drug companies also exacerbates many of the health problems faced by these women. While most people are familiar with the travesty of the sale of infant formula in developing countries, few realize the extent of suffering caused by similar acts of corporate irresponsibility. One alarming example is the "dumping" on

Third World markets of Depo-provera and the Dalkon shield, two contraceptives banned in the Western world, when it became apparent that their use caused internal mutilation.

Francine Mayer discussed these health issues in light of her experiences at the Forum 85 conference in Nairobi, Kenya, which brought to an end the United Nations decade for women. Although much has been achieved in these 10 years there is still room for progress. Even though they are not strictly legal issues the problems of global health and discrimination should be of interest to those concerned with a slightly broader definition of justice.

QUOTABLE QUOTES



October 28, Security on Moveables

"I don't know what I disagree with. I just know intuitively that there's something wrong with it. But whoever said I had to give you a reasoned analysis anyway?"

Prof. Boodman
Commenting on Place Québec vs. Desmarais.

October 22, Security on Moveables.

"Did you read my casebook or are you waiting for the video?"

Prof. Boodman
commenting on a class question.

QUE VOULEZ VOUS ?

par Brigitte Catellier

Le sujet avait été choisi en fonction des intérêts exprimés par les étudiants suite à des sondages et il était pour le moins intéressant, controversé et d'actualité. Les conférenciers étaient des gens reconnus et respectés dans le domaine en question. La publicité avait été faite plusieurs semaines à l'avance et avait bel et bien réussi car la salle comprenait plus de gens venant de l'extérieur que d'étudiants ou de professeurs de la faculté de droit. Mais alors, pourquoi ceux-ci n'étaient-ils pas présents?

Chose certaine, mercredi le 30 octobre, les étudiants et les professeurs de la faculté de droit de McGill ne pouvaient ou ne voulaient pas assister à la conférence sur l'Ethique biomédicale et le droit dans le contexte clinique. La question demeure: pourquoi étaient-ils si nombreux à briller par leur absence? Evidemment, certains imploreront immédiatement l'apathie qui règne au sein de notre faculté. Je pense qu'il faut aller plus loin et voir les deux côtés de la médaille, car il y a en effet deux façons de voir les choses.

Commençons avec ceux qui voient là de l'apathie. Face à la conférence, ceux-ci sont d'opinion que les étudiants sont bornés par leurs études, que leur présence dans une faculté de droit se limite aux cours qui y sont donnés et, bien entendu, aux examens. Au-delà de l'enseignement du droit à l'intérieur d'un cours, il n'y a rien que

la faculté puisse leur apporter. Donc, lorsqu'il y a lieu une conférence ils ne peuvent y assister car ils ont des cours. Une solution à apporter serait peut-être d'annuler les cours lorsqu'il y a lieu une conférence d'une telle envergure. D'un autre côté, combien d'étudiants se déplaceraient de chez eux pour venir y assister? Une autre solution serait peut-être de ne pas avoir une conférence qui dure toute la journée mais plutôt un conférencier qui viendrait pour une heure. Forum National a par le passé invité plusieurs conférenciers et le résultat ne fut guère mieux que cette année.

Bon. Voyons un peu plus loin. L'an dernier, le Juge Deschênes est venu et la salle était comble. Est-ce qu'on peut appeler ça de l'apathie? Peut-être que ce qu'il faut c'est une vedette pour attirer les gens! Par contre, les vedettes ne disent souvent pas grand chose car ils sont le plus souvent des personnalités politiques. Cependant, il semble qu'ils sont peut-être les seuls pour qui les étudiants prennent la peine de se déplacer. Autre chose, la conférence était plutôt du type symposium; il était difficile de venir simplement pour une heure et d'en retirer quelque chose. Il faillait soit venir toute la journée ou ne pas venir du tout. Qu'est-ce qui pèse le plus dans le balancement: les cours ou acquérir des connaissances qu'on ne peut pas aller chercher dans des livres? Il faudrait peut-être à l'avenir respecter le choix et la volonté exprimés par les étudiants mercredi dernier

ce qui signifierait ne plus organiser de conférences.

Vous savez, il y a un danger de devenir ce qu'on appelle des "idiots instruits". Non, ce ne sont pas des gens bornés. Ce sont des gens qui ont choisi de n'apprendre que ce qu'il faut apprendre et ils l'ont bien appris et ils deviennent des avocats très compétents. C'est ce qu'ils veulent et ils y ont "droit". Mais vient un jour où un parent, un frère, une soeur ou même un époux a un accident, est branché sur une machine qui dit-on peut le garder en vie et on vous demande la permission de débrancher la machine. Combien d'entre vous seraient assez informés pour prendre cette décision en toute connaissance de cause? D'un autre côté, combien d'entre vous veulent être informés car je pense que, dans le fond, ce n'est pas une question d'intérêt mais c'est plutôt une question de volonté et j'ai appris il y a longtemps qu'on ne peut pas et on ne doit pas forcer la volonté d'une personne.

La constatation faite par un membre de Forum National est toute à fait juste en ce qu'il ne faut pas perdre de vue la raison d'être de ce groupe i.e. élargir les horizons des étudiants en droit. Sans aucun doute, la conférence a été très réussie. Ceux qui y ont assisté en ont énormément bénéficié. Pour les autres, c'est-a-dire la majorité d'entre vous, tout n'est pas perdu car vous pouvez, si vous le voulez bien entendu, lire l'article que j'ai écrit sur la conférence.

PLACEMENT CENTRE

Ontario

Benson, McMurtry have advised this office that interviews are still being conducted in order to fill an articling position for the 1986/87 year. All interested students should forward their inquiries to the attention of D.S. Young or Mr. Peter Heisey, Suite 800, 250 Dundas Street West, Toronto, Ontario M5T 2Z6.

Refer to Posting #24.

The firm of Blake, Cassels & Graydon, have indicated that they will likely be hiring approximately 10 to 12 second year students and 4 or 5 first year students for next summer. As per the guidelines established by the Law Society of Upper Canada, this firm does not intend to commence recruiting prior to Febru-

The GATT

Cont'd from p. 1

also forms of NTB's, because U.S. industries offer medical plans to their employees. In contrast, medicare, for example, can be seen as an indirect subsidy to Canadian industry. Unless some agreement can be reached on NTB's, a tariff-free border will not help to open the U.S. market to Canadian goods, but will create pressure on us to dismantle, or at least contain, our social service networks.

A second problem under the GATT is that it lacks any form of administrative network or court system to enforce its provisions. Originally intended only as an interim measure until the commencement of the never-passed Havana charter, the GATT is purely a self-help mechanism, under which complaining states gain permission from international tribunals to take

ary 1, 1986. However, interested students should forward their applications before January 1, 1986. Applications should include the candidate's university academic records, including their law school grades to date. Further information could be obtained by reading the posting in the Placement Centre and a copy of the firm's articling brochure is now available in the Admissions Office.

Mr. Barry McGee
Chairman, Articling Committee

Blake, Cassels & Graydon
Box 25, Commerce Court
West
Toronto, Ontario
M5L 1A9

Refer to Posting #25.

Quebec

McAllister, Blakeley, Turgeon, & Hesler have

retaliatory measures against the offending country. Graham mentioned as an example how European countries, in retaliation against handling charges imposed on imported wines by the Liquor Board of Ontario, obtained permission to impose similar charges against New Brunswick blueberries -- much to the vexation of the New Brunswick government. Graham pointed out that it is in Canada's interest, in negotiating a free-trade agreement, to push for some kind of binding international arbitration, rather than a GATT-type self-help mechanism. The looser the arrangement, the worse off will be the economically weaker party. If the game is power-based rather than rule-based diplomacy, Canada will be at a disadvantage.

Another important consideration for Canada is the protection of certain

advised that they will be interested in hiring a number of law students to work during the summer of 1986. This firm will be conducting on-site interviews at the Faculty of Law, November 14, 1985. Interested students should see Mrs. Higgins in the Admissions Office to arrange for an appointment. A copy of his/her curriculum vitae should be brought to the scheduled interview.

Refer to Posting #26.

Firm resumés and articling notices received this week and filed in articling binders in Admissions Office:

Girones & Ciccone, Timmins, Ontario

specific concerns, such as our cultural and service industries. Graham considers that, given the present American political climate, it is unlikely that we could negotiate a free-trade agreement for goods and raw materials that would not also involve banking, publishing, or cable television.

Graham's opinion is that free-trade is desirable -- but only if we can negotiate an agreement that guarantees genuine free access to American markets. It must provide for some form of institutional dispute settlement and protection for specific Canadian concerns such as our social services and cultural enterprises. These issues have to be settled before any agreement is signed. In pieceby-piece settlements taking place after an agreement is in force, the much-stronger U.S. will inevitably be the winner.

Letter to the Editor
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year for the reason we have already mentioned: fundraising. Still, next to the Sports Committee, it remained the most heavily funded group. Unfortunately, it became apparent during the budget meeting that \$600 remained in a bank account from last year. This was not revealed to us until the meeting. So, whereas we had made our estimate based on a starting point of \$0, we now found ourselves in a very different situation. As we had taken into account alternative sources of funding for every other group, it would not have been fair to turn a blind eye to this \$600. Thus, it was taken into account and funding was decreased from \$750 to \$200. (While this is only a decrease of \$550, not \$600, we don't want to be picky, do we?). This put Forum National on equal ground with every other group considered.

2) Quid Novi: There were two issues raised separately with respect to funding the Quid. We will deal with them separately.

(a) The Quid is funded directly by the students. It receives \$5 from the activity fee paid by each law student. The amount of this fee was established by referendum and is entrenched in the LSA Constitution. However, the Quid has also been funded "through the back door" of LSA Council to the tune of \$500. Thus, the Quid in fact receives the equivalent of \$6 per student. A de facto increase of student funding to the Quid is achieved without the constitutionally required referendum. As a result, it was felt in the Executive that it would be more "professional, informed, and just" (to quote the editorial for the Quid) to seek a fee increase by way of a referendum. Thus,

students would know, and approve en masse, the amount of funding the Quid should receive. Why the Quid objected to this, we do not know. It should have been done years ago. Not only is it constitutionally appropriate, it is also in sync with the expressed goal of the Quid to become more "independent". We, for one, would be more than willing to set in motion, at any LSA meeting, the machinery necessary to conduct a referendum this semester so that the Quid could receive additional funding as early as next semester.

(b) The Quid has approximately \$3000 of students' funds sitting in a bank account at the present time. The Editor told the Council that it is the plan of the Quid to increase this fund to \$10,000. The interest from this "trust fund" would be used to make the Quid more "independent". It was the Executive's opinion that such "trust funds" are inappropriate for student organizations which should run on a year-to-year basis. Recognizing the Quid as a special case, it is constitutionally protected from the whims of any Council by the set fee. A trust fund is neither necessary nor advisable. At the very least, the decision to pay money which will be placed in a bank account is a decision which should be left to the students who contribute this money.

3) Censorwatch: The Executive proposed that Censorwatch receive \$150. The reason for this decrease was that Censorwatch had expanded into a campus-wide organization. We felt that it was primarily the role of the Students Society of McGill to fund such an organization. Nevertheless, as many members are law students and the raison d'être of the club is some-

what law-oriented, it was decided that financial support of \$150 should be extended. In so doing, LSA is accused of "penalizing" groups who seek outside funding. On the contrary, we specifically encourage groups which qualify for outside funding to seek it, so that pressure is taken off of the groups who do not so qualify. This only makes sense. We personally feel the funding granted by Council (\$259) was overly generous and think Censorwatch has no reason to complain.

In response to the statement that "the total for social events exceeded the funds given to all clubs combined", suffice it to say that the Editor exhibited an uncanny ability to over-generalize and over-simplify. How diverse activities such as the Orientation Programme, the Law Partners Committee, the Banquet, the Class Fund, the Social Committee Fund and the Law Games can be lumped together under one heading is beyond us. All of these activities extend beyond the narrow ambit of "parties and amusement". They are all worthwhile activities which form an integral part of law school life.

To be fair to the editorial, we must agree that the budgetary procedure leaves room for improvement. The Executive tried to make some changes this year and we are certainly open to suggestions. We submit, however, that procedural changes such as announcing guidelines before the budget meetings, as was suggested in the editorial, would not change the very factual situation of groups that had money in the bank, had small memberships, did minimal or no fundraising, and so on.

Biomedical Ethics
Cont'd from p. 1

doctors, nurses, the patient, and the patient's spouse or family partake in the decision-making process. However, he is of the opinion that the final decision is that of the doctor and it is based on scientific knowledge and practical experience gained throughout the years. Furthermore, he stated that today we are faced with problems such as the aging population and increasing demographic pressure. Therefore, doctors feel inadequate to make decisions, their primary role being healers, not lifetakers. Consequently, we are seeking new ways to process decision-making such as the establishment of ethical committees.

Prof. Edith Deleury, who teaches law at McGill and Laval Universities, focused her speech on decisions involving elective surgery on infants born with severe mental and/or physical disabilities. As a jurist, she stated two basic questions: who is responsible for making the decision and what are the criteria on the basis of which the decision is made? In order to answer the two questions, she analyzed the Goyette case, a recent

Quebec decision. First of all, she stated that parents are usually the ones to make the decision. However, their power is not absolute; they do not own their child, and if they decide to refuse life-saving treatment, recourse may be sought through the courts. Secondly, the criterias on which the decision is based are the rights, or what is more and more called the "interests", of the child which are to be found in the Canadian and Quebec Charters as well as the Criminal Code (especially that of "quality of life").

Reverend Roger Balk, a member of the Institutional Review Committee at the Royal Victoria Hospital, began by asking the question: Where do values come from? He expressed the view that a value structure, which is separate from technology, can be inserted in our life. He agrees with Dr. Shultz that the main issue rests on how we are to formulate the questions to which we seek answers. Furthermore, he does not think that legislation has solved the problems, nor have the courts, in deciding individual cases.

Dr. Ted Keyserlingk from the Law Reform Commission

of Canada spoke on the subject of ethical considerations in cessation of treatment and euthanasia. He discussed self-determination and the limits of medicine in the context of treatment refusals. First of all, in his opinion, self-determination as an expression of human autonomy is the guiding principle. Primacy must be given to patient self-determination based not on whether it is foolish according to some other person, but on whether it is informed and expressed by a competent person. Secondly, Dr. Keyserlingk stated that beyond a certain point medicine cannot help a patient. It is prolonging the dying process and not prolonging life. Therefore, there's a point at which a patient should not be resuscitated, whether or not he or she has previously made the request.

As a member of the audience, I could not help but feel reassured that, in the midst of such controversies, the panelists could state their positions and their views clearly. Not only could they state them, but they also stood by them, and this was demonstrated by their comments as they further discussed four case studies.

QUOTES OF THE WEEK

October 24, Judicial Review of the Administrative Action.

"A l'UQAM les professeurs sont des fonctionnaires publics tandis qu'à McGill nous faisons partie de l'industrie privée--ou ils nous le font croire."

Prof. Morissette on the socioeconomic differences of professors of law at UQAM and McGill.

Letter to the Editor
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In conclusion, we encourage all those with legitimate budgetary concerns to feel free to contact any LSA representative. We would be more than interested to hear and act on your views.

Bettina Karpel
Rob Smith

During a Friday morning lecture (October 25 Constitutional Law) **Professor Scott** described the Supreme Court of Canada's decision in the Senate Abolition Reference as "a first-rate hatchet job" and "devoid of the last vestiges of specious plausibility...".

AT THE MOVIES

by Terry Pether

If not for the money, then I'm sure that a great many among us chose to become lawyers because we were compelled by images of Perry Mason flamboyantly scrapping for their clients before grunting old greybeards and juries of misfits, along with the perfect parade of stereotypical witnesses spouting melodramatic testimony. Now we are in a better position to take such courtroom dramas with their due dosage. For some of us, there may even be work in Hollywood as technical consultants.

The top-grossing movie in the continent this week is not Commando or Slumber Party Massacre. It is "The

Jagged Edge", the story of a murder trial which is not wholly unbelievable even though it contains enough twists and turns to throw a guy like Prof. Sklar into a headspin. The viewer is as unsure of the accused's guilt or innocence as the latter's own lawyer, played to perfection by Glenn Close. This is because Jeff Bridges is equally as commanding in his role as a guy who manages to be sincere enough while remaining a bit of a slime-ball. The prosecutor is a win-at-all-costs jerk with senatorial aspirations. The judge is a grunting old greybeard. The jury is a board of misfits. They are entertained by a perfect parade of stereotypical witnesses spouting melodramatic testimony. What makes this

film different within the courtroom genre is that in spite of the bizarre facts surrounding the case, issues of law are accurately handled.

I was delighted to at last be able to make some sense of the classic "objection your honour!" And my date was impressed by my explanations of things like exceptions to hearsay evidence. I recommend this film to all law students. Notice how Close deals with a chauvinist pig witness. Watch a janitor take the stand and demolish the prosecution. See what happens to a lawyer who's been at it too long. For some educational fun outside the classroom, "The Jagged Edge" is a cut above.

Announcements

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Women and the Law: Update

At least three events of note will be taking place this month, courtesy of McGill's Women and the Law.

The first, on November 6th, will feature Kathleen Ruff, notable activist for the rights of the mentally handicapped. The week of November 18th, Women and the Law will be hosting a speaker from the Alliance for the Safety of Prostitutes in Vancouver. In addition, on the 20th, a speaker from the Fédération des femmes du Québec will be discussing Charter litigation under section 15.

Up until now, Women and the Law has hosted several events including a film, slide show, and speaker. Two general meetings have been held where various other issues were raised. Discussion is encouraged and more input is urged.

The group has been approached by the Women's Union on the main campus to give a legal workshop at their upcoming conference on Feminism and Empowerment. Women and the Law has also been asked to co-sponsor a session at the November conference on science and ethics organized by McGill Pugwash.

Most of the events sponsored by Women and the Law arise from the varied personal interests and involvements of its members. Input, suggestions and ideas are always welcome.

For more information, feel free to contact Denise Giroux at 273-6693 or Teresa Scassa at 484-1590.

Personal

LLB III and Bettina, Thank you so much for your kind wishes and for the lovely gifts. Marcos and I are touched by your thoughtfulness. Both the mixer and electric knife will be put to good use.

Lorianne Weston

Rivière des Prairies: A Test of Rights in the Charter

On Wednesday, November 6 at noon Kathleen Ruff will be addressing the law faculty on the serious charter issues raised by the treatment of patients at the Rivière des Prairies Psychiatric Hospital.

Ruff is active in the Association for the Protection of the Rights of the Mentally Handicapped. Along with her involvement in the RDP incident, she has also been active in the recent cases on the sterilization of mentally handicapped women. Ruff is also the editor of the Canadian Human Rights Advocate.

The event, sponsored by Women and the Law, promises to be informative and challenging, as it presents issues relating to the controversial section 15 of the Charter.